

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Keith Harris

Docket No. 5:06-CR-100-2FL

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Keith Harris, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute More Than 50 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. § 846 and Dealing in Firearms Without a License, in violation of 18 U.S.C. §§ 922(a)(1)(A) and 924, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on September 12, 2007, to the custody of the Bureau of Prisons for a term of 80 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 5 years under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall participate in a vocational training program as directed by the probation office.
5. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.
6. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Keith Harris was released from custody on September 21, 2012, at which time the term of supervised release commenced. On September 24, 2012, during his initial interview with the undersigned probation officer, Harris tested positive for marijuana. He admitted using marijuana on September 16, 2012, while on home confinement through Cavalcorp Residential Rehabilitation Center. Harris was placed in our Surprise Urinalysis Program and referred for a substance abuse assessment. On July 31, 2013, a Petition for Action was submitted advising that Harris tested positive for marijuana on July 29, 2013. Additionally, he was in arrears on his restitution payments. As a sanction, the court agreed to the following modification:

The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On August 29, 2014, the defendant submitted to an instant urine screen that tested positive for marijuana. Harris denied use; therefore, the specimen was sent for laboratory confirmation. Once confronted, Harris admitted using marijuana. Additionally, Harris has failed to make restitution payments. As a sanction for these violations, we are requesting that Harris be required to participate in the location monitoring program and outpatient substance abuse treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
1760 Parkwood Blvd., Room 201
Wilson, NC 27893-3564
Phone: 252-237-0788
Executed On: September 24, 2014

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ORDER OF COURT

Considered and ordered this 25th day of September, 2014, and ordered filed and made a part of the records in the above case.

A handwritten signature in cursive script, reading "Louise W. Flanagan".

Louise W. Flanagan
U.S. District Judge